

POLICY

It is the policy of the Michigan Department of Human Services (DHS) Bureau of Juvenile Justice (BJJ) that confidential information about youth is provided only when it is in the youth's best interest as determined by DHS or the committing court, or by receipt of legal consent or a court order. Social Security numbers will not be released to (or be viewable by) non-DHS staff except when fulfilling a legal requirement.

PURPOSE

To identify the responsible party who determines the youth's best interest or provides consent to the release of confidential information.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
STAFF**

Designated in the facility standard operating procedure.

PROCEDURE

Each facility is required to develop and implement standard operating procedures (SOPs) relative to the release of confidential information. At a minimum, these SOPs must contain the following requirements:

**Best Interests
Requests**

- Information requests from the following persons are in the youth's best interest unless determined otherwise:
 - The youth.
 - The youth's attorney.
 - The court or tribal court when the youth is subject to court jurisdiction.
- Service providers including all of the following:
 - Teacher.
 - Foster parent.
 - Counselor.

- Physician.
 - Training and/or career development counselor to the extent necessary to provide services.
- DHS staff who are required to do any of the following:
 - Provide a service.
 - Provide a service-connected function.
 - Investigate criminal or civil laws.
 - Investigate violations in connection with DHS programs.
 - Audit DHS programs.
 - Conduct research in DHS programs.
 - Conduct hearings on services programs.
- Department of Corrections staff when the youth comes under the jurisdiction of that department.
- The victim or victim's relatives. These persons may receive information only when requested in compliance with the Crime Victims Rights Act.

Information Regarding State Wards

The facility/center director or designee, representing the department, will release information on state wards when that release is considered to be in the best interest of the youth unless prohibited by law or court order. The facility/center director or designee should refer legal confidentiality issues to the office of legal affairs.

When a request for information is received:

- The youth and juvenile justice specialist (JJS) in the county DHS office should be contacted to determine if there are legitimate reasons to recommend that the requested information not be released.
- If the JJS believes the release would not be in the best interest of the youth and the residential facility staff do not concur, refer the request for information, along with the JJS's recommendation through administrative channels in the respective field and program office for a decision.

Exception: Once a state ward youth has reached age eighteen (18), the youth's consent is required to release

records to anyone other than those listed under best interests requests above.

Information Regarding Court Wards

When the court has retained jurisdiction, requests for case information from persons other than those listed under best interests requests above are referred to the court of jurisdiction for determination whether release of the requested information is in the best interest of the youth. Even though the court may open the hearing to the public, the DHS will not release any information outside of the hearing except in accordance with this policy.

Information Requests Regarding Released Youth

Former Court Wards

Documents filed with the court are public information, unless the record was closed by the court (MCR 5.925(D)).

Former State Wards

If the former state ward youth is under eighteen (18) years of age, DHS will determine if it is in the best interest of the youth to release the information. If the former ward is eighteen (18) years of age or older, information may only be released with the former ward's consent (MCL 803.308) or to the documented personal representative of their estate.

Assistance to Police Agencies

Apprehension requests to law enforcement agencies may include basic demographic data, identification information and committing offense. The facility/center director or designee will cooperate with police agencies conducting proper investigations.

Media Requests for Information

Media inquiries are to be referred to the office of communications at (517)373-7394. Media representatives will be informed that this is

DHS policy and that inquiries will be expedited in an effort to cooperate.

AUTHORITY

Crime Victim's Rights Act, MCL 780.751 et seq.
Youth Rehabilitation Services Act, MCL 803.301 et seq.
DHS Administrative Handbook, 1180-1